

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:22-cv-09203-MEMF(KS)

Date: February 27, 2023

Title Clinton Brown v. Clark R. Taylor

Present: The Honorable: Maame Ewusi-Mensah Frimpong

Kelly Davis
Deputy Clerk

None
Court Reporter / Recorder

Attorneys Present for Plaintiffs:

None Present

Attorneys Present for Defendants:

None Present

PROCEEDINGS: (IN CHAMBERS) ORDER RE: Motion and Affidavit for Leave to Appeal In Forma Pauperis (ECF Nos. 29-30)

On December 17, 2022, Plaintiff filed a Complaint, along with a request to proceed in forma pauperis in this matter (“IFP Request”). ECF Nos. 1-2. On January 24, 2023, the Court issued an Order denying Plaintiff’s IFP Request upon a finding that Plaintiff had the ability to pay the filing fees. ECF No. 9. The Court’s January 24, 2023, Order did not specify a deadline for Plaintiff to pay the filing fees. Accordingly, on February 13, 2023, the Court issued a minute order directing Plaintiff to pay the filing fees no later than five (5) days from the date of the Order. ECF No. 23. On February 17, 2023, Plaintiff paid the filing fees. ECF No. 24.

Also on February 17, 2023, Plaintiff filed a motion for leave to appeal in forma pauperis from the Court’s January 24, 2023, Order denying Plaintiff’s original IFP Request. ECF Nos. 29-30.

Pursuant to 28 U.S.C. § 1915(a)(3), “[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.” An appeal is taken in “good faith” where it seeks review of any issue that is “non-frivolous.” *Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002). “[A]n issue is frivolous if it has no arguable basis in fact or law.” *O’Loughlin v. Doe*, 920 F.2d 614, 617 (9th Cir. 1990) (citations and internal quotation marks omitted). The “good faith” standard is an objective one. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

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Plaintiff's appeal of the Court's January 24, 2023, Order denying Plaintiff's IFP Request is not taken in good faith. His arguments that the Court erred in denying Plaintiff's IFP Request, either by failing to hold a hearing, improperly interpreting the applicable statute, or otherwise, and/or improperly found Plaintiff had not established indigency are frivolous under an objective standard. Accordingly, Plaintiff's motion for leave to appeal in forma pauperis (ECF Nos. 29-30) is DENIED.

Initials of Preparer

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